

A regular meeting of the Board of Selectmen was held on Thursday, February 25, 2010, at 7:00 p.m. in the Francis O'Brien Meeting Room, Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were:

Michael L. Butler  
Sarah E. MacDonald  
James A. MacDonald  
Carmen Dellolacono  
Paul Reynolds

Mr. Butler called the meeting to order at 7:00 p.m.

### **OPEN DISCUSSION**

Russ Poole, District #2 Town Meeting Member and member of the COA Board, had concerns relative to a recent Public Meeting—he made reference to the Town of Dedham employee involved in the meeting. Mr. Butler had concerns with comments being made relative to a personnel matter at this public session. He referred Mr. Poole to the Town Administrator's Office for further discussion. Mr. Poole informed all that pursuant to the Town Charter, it is his understanding that the Open Meeting Law was violated at a recent hearing, held by the Town Administrator, on February 12, 2010.

Mr. Butler informed him that they are acting upon Town Counsel's advice. Additionally, this is a personnel matter under the jurisdiction of the Town Administrator. Mr. Poole went on to say that he had asked the Dedham TV Channel to televise the February 12, 2010, Public Hearing. Additionally, someone at Town Hall (not identified) informed him that this particular hearing could not be televised. Mr. Poole commented that the print media was present. Additionally, a recording was taken for a U Tube Video—Mr. Poole felt that the Dedham TV Channel should have been present to televise the hearing.

For the record, William Keegan, Town Administrator, read the following letter from Attorney Joyce Frank, Kopelman and Paige, P.C., Town Counsel:

Dear Mr. Keegan-- You have inquired as to whether a Termination Hearing conducted by you as appointing authority of an officer or employee, whether pursuant to Section 6-15 of the Dedham Home rule Charter or otherwise, is subject to the Open Meeting Law, G.L., c 39, Sections 23A-23C and 24, with respect to televising such hearing pursuant to said Open Meeting Law.

A hearing conducted by you as appointing authority is not subject to the Open Meeting Law. This is because the requirements of the Open Meeting Law only apply to meetings of "governmental bodies." A "governmental body" is defined by the Open Meeting Law as "every board, commission, committee or subcommittee of any district, city, region or town, however, elected appointed or otherwise constituted, and the governing board of the local housing, redevelopment or similar authority; provided, however, that this definition shall not include a Town Meeting" -- G.L. c. 39, Section 23A. In short, a "governmental body" is a multi-member body and you are not a multi-member body. Therefore, hearings conducted by you are not subject to the Open Meeting Law or any of its requirements relating to televising hearings or otherwise. See Connelly v. School Committee or Hanover, 409 Mass.232 (1991). (SJC held that even a committee created by a high school principal to assist him in choosing candidates was not a governmental body subject to the Open Meeting Law because the task of choosing

a new principal was one the superintendent could have performed by himself without his being subject to the Law and, therefore, his informal creation of a selection committee did not subject them to the Law).

As such, a Termination Hearing conducted by you as appoint authority of an officer or employee, whether pursuant to Sections 6-15 or the Dedham Home Rule Charter or otherwise, is not subject to the Open Meeting Law, G.L. c. 39, Sections 23A-23C and 24, with respect to televising such hearing pursuant to said Open Meeting Law.

In order to stay on time with the Board's agenda, Mr. MacDonald asked to move on to the scheduled Public Hearing. The Board gave Mr. Poole another minute or two to finish up with this discussion and then moved on to the scheduled Public Hearing.

**PUBLIC HEARING – REQUEST FOR WINE AND MALT COMMON VICTUALLER'S LICENSE – KOUZINA ESTIATORIO, 557 HIGH STREET, DEDHAM, MASSACHUSETTS, XENOFON SOUNTOULIDIS, MANAGER**

Representing Kouzina Estiatorio, Xenofon Sountoulidis, Owner/Manager

For the record, Mr. Butler read the following Public Hearing Notice: Notice is hereby given under Chapter 138 of the General Laws that the Board of Selectmen has received a petition from Kouzina Estiatorio, 557 High Street, Dedham, Massachusetts, for the issuance of a Wine & Malt Restaurant License; approval of Xenofon Sountoulidis as Manager. Notice is hereby given that a Public Hearing will be held on this application on Thursday, February 4, 2010, at 7:05 p.m. (\*Agenda item was postponed at the February 4, 2010, meeting. At that time, the Board rescheduled request for February 25, 2010, 7:05 p.m.) in the Francis O'Brien Meeting Room, Dedham Town Hall, 26 Bryant Street, Dedham, Massachusetts. (Board of Selectmen)

Mr. Sountoulidis informed the Board that he has been operating Kouzina Estiatorio in Dedham Square for over two years serving Greek Cuisine. Mr. Sountoulidis informed the Board that he is presently facing trying times and it has been difficult to succeed serving food only. Mr. Sountoulidis commented that Greek food lends itself to wine and beer service-- it is a cultural thing. Mr. Sountoulidis informed the Board that because he cannot offer beer and wine to his patrons, he believes that he is losing customers. Mr. Sountoulidis commented that he needs something to boost business.

Mr. Dellolacono reminded all that this was not the first application for a Liquor License at this location—there was a previous applicant who requested a license to sell beer and wine. Mr. Dellolacono asked Mr. Sountoulidis how many hours a week he would be at the restaurant. Mr. Sountoulidis responded—70 to 75 hours per week. Mr. Dellolacono asked him if he has read the Rules and Regulations for Holders of Liquor Licenses in the Town of Dedham. Mr. Sountoulidis responded—yes. Mr. Dellolacono asked him if he was TIP's certified. Mr. Sountoulidis informed him that presently he is not certified; however, he is taking the Alcohol Training Course on line this weekend.

Ms. MacDonald asked Mr. Sountoulidis the mix of business. Mr. Sountoulidis informed all that there will be more seating in house on Thursday and weekends—Saturday there would be more seating in house. The overall mix would be lunch take out, delivery and eat in.

Ms. MacDonald asked Mr. Sountoulidis to give the Board some of his background in the restaurant business. Mr. Sountoulidis informed all that he was born into a family restaurant business. He has been

involved in the restaurant business for twenty years. Additionally, he has managed restaurants for the past fifteen years. He went on to say that this is all that he does.

Mr. MacDonald asked Mr. Sountoulidis previous restaurant involvements. Mr. Sountoulidis informed all that he previously was involved with a deli/breakfast/lunch 120 seat restaurant and a Pizza Restaurant (No Alcohol). Mr. Sountoulidis stated that he had no experience with alcohol. Mr. Sountoulidis informed the Board that he is a respectable business owner.

Mr. MacDonald asked if he was going to change the hours of operation at the restaurant. Mr. Sountoulidis informed all that the hours of operation will be as follows: Tuesday-Thursday, 11:00 a.m. to 9:30 p.m.; Friday and Saturday, 11:30 a.m. to 10:30 p.m. and Sunday, 12:00 Noon to 10:30 p.m.

Mr. MacDonald asked Mr. Sountoulidis the business percentage going forward. Mr. Sountoulidis informed all that 30% of business will be from alcohol and the remainder will be from food. Mr. MacDonald asked if customers come back without serving alcohol. Mr. Sountoulidis informed him that his customers wished that he could serve them beer and wine with their meal. Additionally, he will be serving just Greek beer and wine not available in other local establishments.

Mr. Reynolds complimented Kouzina and Mr. Sountoulidis. He commented that there is a night and day difference from the last Greek establishment at that location. Mr. Reynolds went on to say that the people he has spoken with feel Xeno and his family are very dedicated to their business and the establishment is a great addition to the Square. Mr. Reynolds reminded all that Mr. Sountoulidis resides in the Town of Dedham.

Mr. Dellolacono commented on the public need being met. He added, due to the present state of the economy, Xeno's need comes into play. Mr. Dellolacono informed all that this request for a Liquor License was a difficult process due to the last application at that location. Mr. Dellolacono asked Mr. Sountoulidis if he sent out notices to his neighbors. Mr. Sountoulidis responded, yes.

Ms. MacDonald pointed out that another public need would fall under the need for diversity of experience. Ms. MacDonald asked the Board to be conscience of the Legacy Place Liquor Licenses vs. Dedham Square. She went on to say that Kouzina presents diversity of option and this is a different type of need.

At this point of the meeting, the Board asked if anyone in the audience wished to speak relative to this matter. The following individuals spoke to the Board and audience:

Amy Haelsen, Executive Director, Dedham Square Circle—Ms. Haelsen thought a Wine and Malt Liquor License was a good idea. She went on to say that Kouzina is a destination place and people come to Dedham Square to visit Kouzina. Ms. Haelsen went on to say that Kouzina recently received a favorable write up in the Boston Globe. She believes that other businesses in Dedham Square do well when people come for a meal at Kouzina. Ms. Haelsen informed all that Mr. Sountoulidis is a good, cooperative neighbor who has given back to the community. She also informed the Selectmen that Dedham Square Circle supports the issuance of a Liquor License for Kouzina.

Paul McMurtry, State Representative, Dedham Community Theater owner and friend of the applicant. Representative McMurtry informed the Board that the applicant is worthy and in need of the Liquor License due to competition. Additionally, he has heard many positive remarks about this family

restaurant. Representative McMurtry informed the Board that Mr. Sountoulidis is planning on upgrading his establishment to china and silverware. Representative McMurtry thanked the Board of Selectmen for their consideration and asked them to support the request for a Wine and Malt Liquor License for Kouzina.

Joe Findlen, Precinct 4 Chairman—Spoke in favor of Kouzina to help Dedham Square. He commented that Xeno needs to be commended.

Mr. Reynolds informed all that at the recent Town Hall to Small Business Meeting, Anthony Caruso, Centre Deli, wanted the Board of Selectmen to know that the Centre Deli establishment supports this application—Mr. Caruso felt that Mr. Sountoulidis was a great neighbor and will contribute to the success of Dedham Square.

Mr. Reynolds added that the Board needs to be careful in keeping a balance between Legacy Place and Dedham Square—he expressed the wish that both areas be vibrant in the community.

Mr. Butler asked Mr. Sountoulidis if he believes he received a fair hearing. Mr. Sountoulidis responded, yes. Mr. Butler called for a vote of the Board of Selectmen.

Mr. Dellolacono made a motion to close the Public Hearing; seconded by Mr. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

Mr. Dellolacono made a motion to approve the request of Kouzina Estiatorio, 557 High Street, Dedham, for the issuance of a Wine and Malt Liquor Restaurant License; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

Mr. MacDonald made a motion to amend the license to include a stipulation that Mr. Sountoulidis receive a clear CORI check. Additionally, if his business ceases to exist within five years, he return the license forthwith to the Town of Dedham; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

Mr. Dellolacono made a motion to approve Xenofon Sountoulidis as Manager of Record; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

#### **DISCUSSION WITH SBRC CHAIRMAN ANDREW LAWLOR—RE: ATM ARTICLES**

Re: ATM Articles – Pottery Lane

1. To see if the Town could acquire—gift purchase or eminent domain;
2. Transfer care, custody, management, control land or interests in land presently held by the Town in or about Pottery lane.

Mr. Lawlor informed the Board relative to Alimed's concerns, i.e., parking for business and curb on Pottery Lane for trucks; School children cutting through Parking Lot; and Alimed employees crossing High Street. (SBRC will come back with a better pedestrian access to the property.)

Mr. Lawlor informed the Board that Alimed agreed to an 8 ft. easement on the east side Parking Lot up to the Elementary School as long as Alimed does not lose parking spaces.

Mr. Lawlor informed the Board that the SBRC preference is to obtain parking on Maverick Street. He went on to say that there is enough area to fit 20 parking spaces away from Mother Brook. Mr. Lawlor informed all that in the future, Alimed might be turned into an Artist Loft.

Mr. Dellolacono asked Mr. Lawlor if he could find out if Pottery Lane was a Private Way. Additionally, he asked Mr. Lawlor if money will exchange for the purchase. Mr. Lawlor did not anticipate a money exchange—the arrangement would be an equal easement or Right of Use. Mr. Lawlor informed all that this is the desire of Alimed. Mr. Lawlor went on to say that he did not see a financial issue relative to this matter except for legal costs to prepare the legal documents.

Ms. MacDonald asked Mr. Lawlor if this particular area is used as a warehouse for trailers. Mr. Lawlor informed her that he has not personally seen tractor trailers go there; however, it has been represented to him that tractor trailers do—Mr. Lawlor commented that he was not sure if Alimed needed this as part of their business.

Mr. Lawlor informed all that the SBRC may rethink the Parent Drop-Off Access and that this matter will be discussed and negotiated going forward. He added that there might be a benefit to Alimed. Mr. Lawlor assured all that he will work out the tractor trailer issue. Ms. MacDonald commented that the language in the articles are broad; however, as Town Meeting gets closer, she anticipates that the focus of the articles will narrow and be defined.

Mr. Reynolds commented on the challenge of placing the new Avery School in this particular location. He went on to say that the fact that Alimed sat down with SBRC to discuss strategy and revitalization relative to an arts/cultural focus is pleasing. Mr. Reynolds thought that the spirit of partnership was to be commended.

**REQUEST FROM BUILDING COMMISSIONER, KEN CINEMO—ORDER FROM BOARD OF SELECTMEN TO SECURE VACANT BUILDING LOCATED T 79 HIGH STREET, DEDHAM, MA**

This agenda item was postponed until the next Board of Selectmen's Meeting.

**PUBLIC HEARING—REQUEST FOR WINE & MALT PACKAGE STORE LICENSE, DEDHAM MARKET, INC., D/B/A DEDHAM CONVENIENCE STORE, 69 CEDAR STREET; GURMIT PABLA, MANAGER**

Representing Dedham Convenience Store were:

Gurmit Pabla, Owner/Manager  
Attorney William Goldberg

For the record, Mr. Butler read the following Hearing Notice: Notice is hereby given under Chapter 138 of the General Laws that the Board of Selectmen has received a petition from Dedham Market, Inc., d/b/a Dedham Convenience Store, 69 Cedar Street, Dedham, for the issuance of a Wine & Malt Package Store License; and approval of Gurmit Pabla as Manager. Notice is hereby given that the public hearing will be held on this application on Thursday, February 25, 2010, at 7:45 p.m., in the Selectmen's Chambers, Dedham Town Hall, 26 Bryant Street, Dedham, Massachusetts. (Board of Selectmen)

Attorney Goldberg began the discussion explaining the operation of the Dedham Convenience Store. He informed all that the store sells cigarettes, groceries, etc. Attorney Goldberg went on to say that customers have asked if the establishment could sell beer and wine.

Attorney Goldberg informed the Board that Mr. Pabla has experience relative to liquor. Presently, he owns two other stores—both stores have Beer and Wine Package Store Licenses. Attorney Goldberg stated that Mr. Pabla operates a good business. Additionally, there have been no incidents selling to minors or intoxicated persons. Attorney Goldberg commented that Mr. Pabla has experience dealing with minors at his other stores

Relative to the Dedham Convenience Store, Attorney Goldberg informed all that it will remain a convenience store with the addition of beer and wine to be sold in a cooler located at the rear of the store. There will be no lighting attracting people.

Attorney Goldberg stated that liquor will not be a priority at the store but a convenience for customers who visit the store. Attorney Goldberg submitted a petition of support from the neighbors and commented that he felt the neighbors were ready for issuance of Liquor License at this time and for this location.

Mr. MacDonald asked Mr. Pabla's experience at the other stores. Attorney Goldberg stated that he was Manager of Record at both of the other stores. Mr. MacDonald asked if has other stores. Attorney Goldberg responded, no. Mr. MacDonald asked Attorney Goldberg who watches the store when Mr. Pabla is not there. Attorney Goldberg informed him that Mr. Pabla has Assistant Managers at his other stores and also in Dedham. Mr. MacDonald asked Attorney Goldberg how many hours Mr. Pabla intends to work at the store in Dedham each week. Attorney Goldberg informed him that Mr. Pabla lives nearby and plans on spending more time at the Dedham store, approximately 30/10 hours per week. Mr. Pabla also informed Mr. MacDonald that he plans to spend 30/40 hours per week at the Dedham store. He will spend the afternoon hours in Dedham and the morning and evening hours at his other stores. Mr. MacDonald asked Attorney Goldberg if he was aware of the religious establishments in the area. Attorney Goldberg commented that his client informed him that an employee of one of the churches visits his store in the morning and has no objections and the other church is closing down. Attorney Goldberg was unsure if the churches were in touch with the Board of Selectmen.

Mr. MacDonald asked Attorney Goldberg why the public need is not met with two liquor establishments 5 minutes away from the Dedham Convenience Store—he remarked that this location was in a residential neighborhood. Attorney Goldberg informed him that it was his inclination that people living in the area would prefer not to mobile and a distance away. He went on to say that it would be a convenience to those living in the neighborhood if the store could sell beer and wine.

Mr. MacDonald brought up the possibility of increased traffic in the neighborhood due to customers visiting the store. Attorney Goldberg felt that customers visiting the store would not be transits. He also felt that the sale of beer and wine at the store would be a convenience to the neighborhood.

Mr. Reynolds asked how many stores Mr. Pabla owned. Attorney Goldberg informed him that he had Dedham and two other stores—Peter's Market in Milford and a store in Stoughton. Mr. Reynolds asked if there were ever any issues at the other stores. Attorney Goldberg responded—Not to his knowledge. Mr. Reynolds brought to the attention of the Board and all a newspaper article written in the Milford News relative to an incident at Mr. Pabla's store in Milford (Peter's Market) on February 11, 2010, in

which minors purchased alcohol. Additionally, the police arrested a teenager. Mr. Reynolds asked Mr. Pabla if he was at the store on February 11, 2010. Mr. Pabla stated that he was at the store on February 11, 2010, until 9:00 p.m. and the incident happened at 9:15 p.m. Mr. Butler commented that the matter has been written up in the newspaper—presently, it is being investigated by the police. Mr. Pabla informed the Board that there has been no incidents at his Milford store in eight years. Mr. Reynolds commented that he was concerned with the article written in the newspaper.

Attorney Goldberg made a statement relative to his prior statement that Mr. Pabla had no incidents in his other stores. Attorney Goldberg informed the Board that this is what was presented to him.

Mr. Dellolacono asked how long Mr. Pabla was at the Dedham Convenience Store. Mr. Pabla responded—twelve years at the store. Mr. Dellolacono commented that he cared about the store and the people of Dedham. He informed Mr. Pabla that he was a stickler relative to the time spent at an establishment by the Manager of Record. Mr. Dellolacono went on to say that he felt Mr. Pabla needed to make more of a commitment of 40 hours working at the Dedham store. Additionally, he asked Mr. Pabla to take his (Manager of Record) name off the other Liquor Licenses and commit to the Town of Dedham.

Attorney Goldberg, once again, commented that it was the need of the community to be able to sell beer and wine at the Dedham Convenience Store. He added—it is not monetary or a priority.

Mr. Dellolacono questioned the names listed on the petition submitted to the Board from Mr. Pabla. Mr. Dellolacono asked Attorney Goldberg if the people who signed the list were twenty-one years of age. Attorney Goldberg could not say if all the signatures were from people who were twenty-one. He commented—maybe some. Mr. Dellolacono went on to say that he made the assumption that those on the list were not twenty-one. Attorney Goldberg responded that he did not know the percentage.

Mr. Butler asked if anyone in the audience had any questions or comments and wished to speak to the Board. The following citizens spoke to the Board relative to Dedham Convenience Store and the request for a Wine and Malt Package Store License:

Kathy Redi, 80 Oakdale Avenue—Ms. Redi stated that she takes pride in the square and is concerned for all business. Ms. Redi informed all that hundreds of Grade School, Middle School and High School children walk in the Dedham Convenience Store location and hang out. Ms. Redi was concerned with the activity in the area and feared an accident waiting to happen. Ms. Redi went on to say that there are six other Liquor Stores in close proximity, Dedham, and also Liquor Stores in close proximity, Readville. Ms. Redi asked the Board to please not issue a Liquor License to Dedham Convenience Store.

Joe Findlen, Chairman Precinct 4, stated to the Board that the neighborhood is not for it now or in the past.

Peter McHenry, 34 Sanderson Ave., asked the Board if the license was attached to the property or to the business owner. Mr. MacDonald responded that the Liquor License is issued to the location and business and if the business leaves, the license comes back to the Town.

Marilyn Weber, resident in neighborhood, opposes the request for a Liquor License from the Dedham Convenience Store.

Jean Goldsbury, citizen, opposes Liquor Store in Oakdale Square—she had concerns relative to the Church camp and children.

Frances Goldstein, citizen, was not in favor of Liquor License due to the fact that there were two churches in the area—St. John's and Church of the Good Shepherd.

David Ray, Oakdale Square Neighbor, spoke against the issuance of a Liquor License for the Dedham Convenience Store. Additionally, he asked if the merchants in the square could clean up the sidewalks—litter all over the streets. Also snow on sidewalks should be shoveled.

Kevin Power, Dartmouth Ave., commented that alcohol is a controlled substance and not the same convenience as milk or bread—he thought this request should be restricted.

Mave McHenry, 34 Sanderson Ave., spoke against issuance of a Liquor License for Dedham Convenience Store. She commented that young children hang out in front of the store and it is not well lit.

Tom Polito, resident, 35 Lincoln Street, Stated to the Board of Selectmen that there was no public need for a Liquor License in Oakdale Square. Additionally, the public need is still not there from three years ago.

Tom Peters, 45 Oakdale Ave., was skeptical—he mentioned the issue with litter in the area, possible traffic, lots of kids hanging around and the fact that the scouts meet at the Church of the Good Shepherd every Sunday night-- a traffic of young kids.

Peggy Doula, citizen, Asked that the Board of Selectmen deny the request from Dedham Convenience Store for a Liquor License. She commented that there are plenty of Liquor Stores in the area and was concerned with respect to young kids hanging out.

Resident of Dartmouth Ave., commented that the area did not need another Liquor Store. She was concerned with teens hanging out and trash being thrown on to her property. The resident asked the Board not to give Dedham Convenience a Liquor License.

Mr. & Mrs. Reiss objected to the Board issuing a Liquor License to Dedham Convenience Store.

Mr. & Mrs. Birkett objected to the Board issuing a Liquor License to Dedham Convenience Store.

Attorney Goldberg sensed the opposition and feelings of the neighbors and the Board of Selectmen. He commented that he did not think it would be a positive vote. Mr. Butler asked Attorney Goldberg if he had a fair hearing. Attorney Goldberg responded, yes.

Mr. Dellolacono made a motion to close the Public Hearing; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

Based on the findings, considering that there are existing sufficient licenses in the locality for the public to acquire beer and wine, the public need was not met and also the potential for traffic to increase in the area, Mr. MacDonald made a motion to deny the request from Dedham Market, Inc., d/b/a Dedham Convenience Store, 69 Cedar Street, Dedham, MA for the issuance of a Wine and Malt Package Store

License; seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

Mr. MacDonald advised Attorney Goldberg and Mr. Pabla that they could appeal the decision of the Board of Selectmen to the A.B.C.C. within five (5) days.

At the conclusion of the hearing, Mr. Reynolds asked Mr. Pabla to try his best to keep the store clean in the morning and to sweep outside. Mr. Pabla responded that he thought he took care of the store very well and has, in fact, swept outside many times. Attorney Goldberg asked that all the establishments in the square work together going forward. He went on to say that he would speak with Mr. Pabla and other businesses and ask them to keep things clean.

#### **DISCUSSION RE: FINANCIAL POLICIES & USE OF NEWLY CREATED STABILIZATION FUND**

This agenda item was postponed until the next Board of Selectmen's Meeting.

#### **PRESENTATION OF THE TOWN ADMINISTRATOR'S FY'11 BUDGET MESSAGE**

William Keegan, Town Administrator, presented his 9<sup>th</sup> Budget Message to the Board of Selectmen . (See Powerpoint Presentation Copy filed in the Town Administrator's Office.)

The components of the presentation included: Budget Overview and Strategy, Proposed Budget, Revenues, Expenditures, Capital Plan, Stakeholders and a final summary.

Proposed Budget is as follows: \$88,448,72 Total Source Budget, \$78,247,073 Operating Expenditures, \$26,460,278 Capital Requests to be evaluated and other Warrant Articles not included at this time.

Mr. Keegan discussed the Town's revenues, i.e., Tax Levy (\$69,831,808), Local Receipts (5,124,000), State Aid (\$6,202,024), Sewer Receipts and Receipts Reserved for Appropriation.

Mr. Keegan discussed the Town's expenditures, i.e., Administrative Services (\$4,878,517), Public Safety (11,051,753), Public Works (\$5,574,093), Community Service (\$2,758,652), Education (33,101,500), Fringe Benefits (\$13,084,915), and Debt Service (\$7,797,643). Total expenditures for FY'11 were \$78,247,073. The difference from FY'10 was \$2,039,933 up 2.7%.

Mr. Keegan informed all that the Capital Plan would be funded by Free Cash, Bonding and other available funds. Additionally, the Pavement Management Program will continue with bonding and Chapter 90 Funds. Mr. Keegan went on to say that discussions are ongoing relative to the new local Meals Tax and increase in the Hotel/Motel Tax Revenue

Mr. Keegan discussed Financial Practices, i.e., Review of Financial Policies by working group made up of members of the Board of Selectmen, School Committee, Finance Committee and Town Administration; Updating the Long-Range Forecast; Capital Initiative Strategy relative to facilities; Annual Borrowing Plan, Utilizing Cash Flow, Projections & Debt Schedule; Funding for OPEB long term and Mitigation Fund Committee.

Summarizing the presentation, Mr. Keegan informed all that the balanced budget has many factors. Additionally, he discussed cooperation with stakeholders. He went on to say that as information

becomes available, there will be changes going forward. Mr. Keegan emphasized that this is only the beginning of the process and that discussion will be ongoing to adapt and be clear.

Ms. MacDonald asked for clarification relative to classification of Line Items, Purchase of Service definition and out sourcing certain tasks. Mr. Keegan informed her that the Town does not out source as much. He gave the Town's Engineering Department as an example—Engineering Services are now done in-house. As a result, the work is done more efficiently, it is hands on and the projects are completed. Mr. Keegan went on to say that the goal is to maintain personnel in their positions—the employees service the residents and balance the needs. Ms. MacDonald asked if the department supplies were budgeted as bulk services. Mr. Keegan informed her that the Purchasing Department supplies a list of approved vendors to each department.

Mr. Reynolds asked status of I & I (Infiltration & Flow). Mr. Keegan informed him that significant improvements have been made as result of the new technology and lining of pipes.

Mr. Butler commented on the conservative approach and the use of the same framework going forward. Relative to investment losses, he thought they could be stretched out over time; however, he was skeptical.

Mr. Keegan informed the Board that he will present his budget to the Finance Committee on March 6, 2010.

#### **TOWN ADMINISTRATOR'S REPORT**

Mr. Keegan informed all that the Town of Dedham recently received the Common Cause Award with distinction.

Mr. Keegan informed all that a Retirement Party for Chief James Driscoll will be held on March 26, 2010, at the American Legion Hall.

#### **ACTION BY THE BOARD**

**Dedham Country Day School -- Request from Common Victualler's License, Transcient Vendor's License and Permission for Parking Ban Sandy Valley Road and Highland Street on May 1, 2010.**

Mr. MacDonald made a motion to approve the above-referenced request from Dedham Country Day School; seconded by Mr. Dellolacono and voted unanimously.

**James Joyce Ramble – Request for a One-Day Beer and Wine License on April 25, 2010, and permission to hang banners around the Town.**

Mr. MacDonald made a motion to approve the above-referenced request from Martin Hanley, Director, James Joyce Ramble; seconded by Ms. MacDonald and voted unanimously.

**Request for a Drainlayer's License from Struzzieri Construction, 9 Winthrop Street, Hull, MA, 02045.**

Upon the recommendation of the Engineering Department, Mr. Dellolacono made a motion to renew a Drainlayer's License for Struzzieri Construction; seconded by Mr. MacDonald and voted unanimously.

### **Building Department Request – 79 High Street**

Ken Cimeno, Building Commissioner, sent a letter to the Board of Selectmen to request an order to secure the vacant building located at 79 High Street.

Mr. Dellolacono asked what the expenses will be to go forward. Mrs. Baker, Town Administrator informed him that it would be approximately, \$50.00 (Town will provide labor). Mr. Dellolacono asked Mrs. Baker and Mr. Reyes, Treasurer/Collector, if the Town can place a lien relative to this matter. Mrs. Baker and Mr. Reyes responded, yes. Mr. Dellolacono asked that the expenses be included in the Board's motion. Mr. Butler agreed with Mr. Dellolacono to include expenses in the motion.

Mr. Dellolacono made a motion to allow the Building Department to move forward securing the building located at 79 High Street, including costs for recording lien on the property.

### **Approval of Board of Selectmen's Meeting Minutes of October 8, 2009**

Mr. Reynolds made a motion to approve the Board's Meeting Minutes of October 8, 2009; seconded by Mr. MacDonald and voted unanimously.

### **OLD/NEW BUSINESS**

Mr. Dellolacono informed all that there will be a Newly Wed Game Fundraiser for the Avery School to be held on February 26, 2010.

Mr. Dellolacono asked for a Bussey Street follow up. He asked that Karen O'Connell, Economic Development Director, send a letter to the owner of the property and also asked for her assistance in this matter.

Mr. Dellolacono had questions relative to the Trash Budget and the impact of savings. Mr. Keegan, Town Administrator, commented that it was significant—the cost for this year is 2.1 million or even less.

Mr. MacDonald informed all that there will be a Community Prayer Service for the Haitian Relief in conjunction with the Haitian Church located at 410 Washington Street. The service will be held at St. Suzanna's Church on March 5<sup>th</sup>.

**Vote to call a Violation Hearing re: Village Manor, Sprague Street**—Relative to a Police Report/Incident that occurred at the Village Manor on February 13, 2010, Mr. MacDonald called for a Violation Hearing for the Village Manor Restaurant, Sprague Street, Dedham, MA; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

### **2010 WARRANT ARTICLE RE: LEASING OF THE TOWER AT THE TRANSFER STATION, INCINERATOR ROAD, TO TELECOMMUNICATION COMPANIES**

Mr. MacDonald made a motion of support relative to leasing of the tower at the Transfer Station to telecommunications companies; seconded by Ms. MacDonald and voted unanimously.

Relative to the Housing Authority Grant, Ms. MacDonald asked for a letter of response from the Housing Director.

Ms. MacDonald informed all that there will be an event at Moseley's this Saturday, February 27<sup>th</sup>, to celebrate Centre Deli's Anniversary.

Ms. MacDonald informed all that on March 5, 2010, there will be a Tropical Party held at the Dedham Community House. Ms. MacDonald has tickets for those who wish to attend.

Mr. MacDonald informed Mr. Keegan that a neighbor's recycling was not picked up and there was no way to get in touch with Russell Disposal after hours. He asked that Russell Disposal devise a way for residents to leave messages after hours and over the weekend so that they can respond next day or on Mondays after the weekend. Mr. Keegan asked that residents call the Town Administrator's Office so that staff can respond as soon as possible.

Clear Channel Issue --Mr. Keegan informed the Board that Ken Cimen, Building Commissioner, sent a letter to the Advisory Board stating the Board's disappointment relative to the billboard.

Mr. MacDonald made a motion to enter into Executive Session relative to M.G.L. Chapter 39, Section 23B, to discuss strategy with respect to Collective Bargaining; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Dellolacono, yes; Mr. MacDonald, yes; Ms. MacDonald, yes; and Mr. Butler, yes.

The Board of Selectmen did not reconvene in open session.

The meeting adjourned at 9:35 p.m.

This is to certify that the above is a true and accurate record of the Minutes of the Board of Selectmen's Meeting held on February 25, 2010, which Minutes were approved on August 5, 2010.

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Michael L. Butler, Chairman

